

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DEMETRIUS ALEXANDER BROWN,) Civil Action No.: 4:14-cv-4191-TMC-TER
)
Plaintiff,)
)
 REPORT AND RECOMMENDATION
-vs-)
)
)
DIR. SIMON MAJOR, MAJ. McGHANEY,)
CAPT. THERESA RAY-LEE, CAPT.)
GILLIARD, LT. C. KELLY, LT.)
McMILLAN, SGT. SWEAT, SGT.)
REDDICK, SGT. CUSANDRA WILSON,)
CPL. T. MOORE, OFC. L. McFADDEN,)
OFC. B. PATTON, OFC. G. DILLARD,)
OFC. MEREWETHER, OFC. OAKS,)
OFC. STREETER and OFC. VAUGHN,)
)
Defendants.)

)

Plaintiff, who is proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. Presently before the court is Plaintiff's Motion for Default Judgment (Document # 41). All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d), DSC. This report and recommendation is entered for review by the district judge.

Plaintiff filed this action on October 29, 2014. After Plaintiff brought the case into proper form, the undersigned entered an order on January 29, 2015, allowing service on Defendants. All Defendants except Ofc. Oaks and Ofc. Streeter were served by the U.S. Marshals Service on March 11, 2015. See USM-285 Returned Executed (Documents # 22-36). As a result, Defendants' Answer was due April 1, 2015. See Rule 12(a)(1)(A) (allowing defendants twenty-one days from service of

a summons and complaint to file an answer). Defendants¹ filed their Answer on March 31, 2015. See Answer (Document # 29). Therefore, Defendants timely answered Plaintiff's complaint and are not in default.² Accordingly, it is recommended that Plaintiff's Motion for Default Judgment (Document # 41) be denied.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

June 30, 2015
Florence, South Carolina

¹Counsel for Defendants filed the Answer on behalf of Ofc. Oaks and Ofc. Streeter as well. They were later served on May 1, 2015. See USM-285 Returned Executed (Documents # 52, 53).

²Plaintiff's motion is dated April 1, 2015. Therefore, he likely had not yet received a hard copy of the Answer in the mail at the time he sent in his motion.